

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 IO-13 ACDA-12 CIAE-00 DODE-00 PM-05

H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02

SS-15 ICA-11 HA-05 EB-08 TRSE-00 OMB-01 /105 W

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R 081322Z SEP 78

FM AMEMBASSY MADRID

TO SECSTATE WASHDC 6027

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY OSLO

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY THE HAGUE

USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 02 MADRID 10326

ROME PLEASE PASS TO PETER SARROS

E.O.11652: GDS

TAGS: PGOV, PINT, SP, VT

SUBJECT: CHURCH-STATE RELATIONS: STATUS OF 1953 CONCORDAT

REF: MADRID 10251-77 AND MADRID A-23 OF FEBRUARY 4, 1978

1. SUMMARY: THE ADVENT OF THE NEW PAPACY OF JOHN PAUL I HAS FOCUSED ATTENTION ON THE STILL-PENDING MODIFICATION OF THE 1953 CONCORDAT BETWEEN SPAIN AND THE VATICAN. THE CONCORDAT IS REPORTEDLY TO BE SUBSTITUTED BY FOUR SEPARATE ACCORDS DEALING WITH JURIDICAL, EDUCATION, MILITARY CHAPLAINCY AND ECONOMIC MATTERS. FOREIGN MINISTER OREJA TOLD REPORTERS IN ROME ON SEPT. 4 THAT
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THE SPANISH GOVERNMENT WILL BE IN A POSITION TO SIGN THE ACCORDS "AS SOON AS THE CONSTITUTION IS APPROVED." UNTIL NOW, CHURCH-STATE RELATIONS AS FORMULATED IN THE CONSTITUTION HAVE NOT BEEN A MAJOR STUMBLING BLOCK -- THE CHURCH'S RATHER UNIQUE SOCIAL IMPORTANCE IN SPAIN HAVING BEEN GENERALLY ACCEPTED. END SUMMARY.

2. THE OFFICIAL START OF THE PAPACY OF JOHN PAUL I ON SEPTEMBER 3, HAS FOCUSED ATTENTION ON A STILL OUTSTANDING ISSUE BETWEEN THE VATICAN AND SPAIN: THE UPDATING OF THE 1953 CONCORDAT. KING JUAN CARLOS, WHO ATTENDED THE INSTALLATION CEREMONIES IN ROME, WAS RECEIVED IN PRIVATE AUDIENCE AND THERE HAD BEEN SPECULATION THAT THE 1953 CONCORDAT NEGOTIATIONS MIGHT BE A TOPIC OF DISCUSSION. THE CONCORDAT WAS TO HAVE EXPIRED ON JULY 28, 1978. HOWEVER, FOLLOWING A MEETING ON THAT DATE BETWEEN PAPAL NUNCIO MONSIGNOR DADAGLIO AND THE SPANISH MINISTERS OF FOREIGN AFFAIRS, JUSTICE, CULTURE, EDUCATION AND FINANCE, IT WAS ANNOUNCED THAT THE CONCORDAT HAD BEEN EXTENDED PENDING THE CONCLUSION OF THE CONSTITUTIONAL DEBATE IN THE PARLIAMENT.

3. COMMENTING ON THE STATUS OF THE CONCORDAT NEGOTIATIONS FOLLOWING THE DEATH OF POPE PAUL VI, FOREIGN MINISTER OREJA ON AUGUST 7 NOTED THAT THE NEGOTIATIONS WERE "VERY ADVANCED" AND THAT THE DELAY WAS A CONSEQUENCE OF THE GOVERNMENT'S DESIRE TO AWAIT THE ADVENT OF THE NEW SPANISH CONSTITUTION BEFORE SIGNING THE NEW ACCORDS. OREJA POINTED OUT THAT THE JOINT VATICAN-SPANISH COMMITTEES WHICH HAD BEEN STUDYING VARIOUS ASPECTS OF THE CONCORDAT FOR THE PAST TWO YEARS HAD COMPLETED THEIR WORK SUCCESSFULLY.

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4. INFORMED OBSERVERS BELIEVE THAT THE 1953 CONCORDAT WILL IN EFFECT BE SUBSTITUTED BY FOUR SEPARATE ACCORDS. THE FIRST WILL BE OF A JURIDICIAL NATURE, DEALING WITH SUCH CONSIDERATIONS AS THE JURIDICIAL PERSONALITY OF THE CHURCH IN THE CONTEXT OF A NON-CONFESSIONAL STATE, THE RECOGNITION OF THE SPANISH EPISCOPAL CONFERENCE AS THE SPOKESMAN FOR THE CATHOLIC CHURCH, THE ISSUE OF CIVIL VERSUS RELIGIOUS MARRIAGE, AND FREEDOM OF RELIGION IN SPAIN. THE SECOND ACCORD WILL CONCENTRATE ON THE SENSITIVE ISSUE OF EDUCATION: THE RIGHT OF THE CHURCH TO RUN EDUCATIONAL INSTITUTIONS, THE REGULATION OF THE MEANS OF SOCIAL COMMUNICATION OF THE CHURCH, AND THE RIGHT OF PARENTS TO DECIDE WHETHER OR NOT THEIR CHILDREN SHOULD RECEIVE RELIGIOUS EDUCATION. A THIRD ACCORD WOULD DEAL WITH QUESTIONS OF THE MILITARY CHAPLAINCY AND THE TERMS OF MILITARY SERVICE FOR PRIESTS. THE FOURTH AND FINAL ACCORD WOULD FOCUS ON "ECONOMIC" ISSUES: THE DISPOSITION OF THE ECCLESIASTIC ARTISTIC PATRIMONY (I.E., HISTORICAL ART TREASURES), THE THORNY QUESTION OF STATE SUBSIDIES TO THE CHURCH (CURRENTLY RUNNING AT MORE THAN 6000 MILLION PESETAS -- ABOUT \$80 MILLION ANNUALLY), AND THE

FISCAL FORMULA TO BE APPLIED IN THE FUTURE WITH RESPECT
TO STATE AID.

5. OREJA, WHO ACCOMPANIED THE KING TO ROME FOR THE
INSTALLATION CEREMONIES, COMMENTED BRIEFLY ON THE
CONCORDAT TO SPANISH JOURNALISTS ON SEPTEMBER 4. HE

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CONFIRMED THE NATURE OF THE 4 ACCORDS (SEE ABOVE),
NOTING THAT THE ECONOMIC ONE WAS CAUSING THE MOST
DIFFICULTY. HOWEVER, HE CONTINUED, "AS SOON AS THE
CONSTITUTION IS APPROVED, WE SHALL BE IN A POSITION TO
SIGN THE ACCORDS, IT BEING UNDERSTOOD THAT BOTH THE
CONGRESS AND THE SENATE WILL ALSO HAVE THE OPPORTUNITY
TO DISCUSS AND APPROVE THEM."

6. COMMENT: IT IS THUS ANTICIPATED THAT ONCE THE
QUESTION OF THE CONSTITUTION IS OUT OF THE WAY (LATER THIS
YEAR), THE MODIFICATIONS OF THE 1953 CONCORDAT WILL
BE RAPIDLY APPROVED AND SIGNED. UNTIL NOW, CHURCH-
STATE RELATIONS AS FORMULATED IN THE CONSTITUTION
HAVE NOT BEEN A MAJOR STUMBLING BLOCK -- EVEN WITH THE

SOCIALISTS -- THE CHURCH'S RATHER UNIQUE SOCIAL
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IMPORTANCE IN SPAIN HAVING BEEN GENERALLY ACCEPTED.

7. MARTIN PATINO, PRINCIPAL ADVISER TO CARDINAL
TARANCON OF MADRID, TOLD EMBASSY SEPT. 8 THAT HE
VISUALIZED ACCORDS BEING SSGNED VERY SOON AFTER THE
REFERENDUM ON THE CONSTITUTION (NOW BELIEVED TENTATIVELY
SCHEDULED FOR MID-NOVEMBER). HE ALSO IDENTIFIED THE
ECONOMIC ACCORDS AS THE MOST TROUBLESOME -- SPECIFICALLY
THE QUESTION OF STATE SUBSIDIES. TWO METHODS WERE
APPARENTLY UNDER CONSIDERATION. THE FIRST WOULD SIMPLY
PROVIDE FOR A STRAIGHT GOVERNMENT ALLOCATION OF FUNDS
TO THE CATHOLIC CHURCH. A SECOND WOULD BE MODELED ON
THE WEST GERMAN SYSTEM, WHEREBY CITIZENS CONTRIBUTED
THROUGH THE INCOME TAX STRUCTURE TO THE RELIGIOUS
DENOMINATION OF THEIR CHOOSING. MARTIN PATINO SAID
THAT THE SPANISH CATHOLIC CHURCH HAD NO PARTICULAR
PREFERENCE AS LONG AS THE PROBLEM WAS CLARIFIED.
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